

Introduced by Senator DunnFebruary 5, 2004

An act to add Section 16720.1 to the Business and Professions Code, relating to restraints on competition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as introduced, Dunn. Antitrust violations.

Existing law defines a trust as a combination of capital, skill, or acts of 2 or more persons to restrain competition for specified purposes. Under existing law, the Attorney General or a district attorney is required to initiate a civil or criminal proceeding for antitrust violations.

This bill would change the definition of a trust to include an act by one or more persons to monopolize or to attempt or to conspire to monopolize, trade or commence.

Because the bill would expand the acts subject to criminal prosecution as crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16720.1 is added to the Business and
- 2 Professions Code, to read:



1 16720.1. A trust shall also include an act by one or more
2 persons to monopolize, or to attempt to monopolize or to combine
3 or conspire with another person or persons to monopolize, trade or
4 commerce.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

